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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/764,346	01/23/2004	Theo Artmeier	08340.105017	5776

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EXAMINER

KIKNADZE, IRAKLI

ART UNIT	PAPER NUMBER
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2882

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/764,346

Applicant(s)

ARTMEIER, THEO

Examiner

Irakli Kiknadze

Art Unit

2882

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-22 is/are allowed.
6) ☒ Claim(s) 23-26 and 29-32 is/are rejected.
7) ☒ Claim(s) 27 and 28 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 24 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/24/05; 11/21/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☒ Other: IDS filed 11/25/05.

DETAILED ACTION

1. In response to the Office action dated April 20, 2005 the Amendment has been received on August 24, 2005.

The specification has been amended.

Claims 1-22 have been amended.

Claims 23-32 have been newly added.

Claims 1-32 are currently pending in this application.

Drawings

2. The drawings were received on August 24, 2005. These drawings are acceptable.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 23, 24, 26 and 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rattner (US Patent 5,285,772) in view of Wilson et al. (US Patent Application Publication 2001/0048732 A1).

With respect to claim 23, Rattner teaches a urological working place (column 2, lines 10-16) comprising: an x-ray unit comprising an image-processing device (5) cooperating with an x-ray source (4); and a U-bow (8) having arranged thereon the x-ray source (4) at one end thereof and the image processing device (5) at an opposite end thereof; and the U-bow is tiltable relative to a vertical axis (Fig. 1; column 6, lines 4-19). Rattner fails to teach that the x-ray source (4) and the image processing device (5) are displaceable in a transverse direction relative to the U-bow (8). Wilson teaches an x-ray system wherein an x-ray source (30) and an image processing device (32) are displaceable in a transverse direction relative to the U-bow (24) for providing the tomographic and tomosynthetic images of an object of interest (Fig.2; [0025]). It would have been obvious to one of ordinary skill in art at the time the invention was made to use the x-ray source and the image processing device displaceable in the transverse direction relative to the U-bow as suggested by Wilson in the system of Rattner because such a modification would enhance the urological working place comprising the x-ray unit with tomographic and tomosynthetic imaging capabilities of an object of interest.

With respect to claims 24 and 25, Wilson teaches that the x-ray source (30) and the image processing device (32) are displaceable synchronously or individually in a transverse direction relative to the U-bow (24) controlled by computer ([0023]).

With respect to claim 26, Rattner teaches that the U-bow (8) is supported in a lower area thereof so that it is tiltable relative to the vertical axis (Fig.1).

With respect to claim 29, Wilson teaches that the U-bow (24) is tiltable in a defined angle, and wherein the x-ray unit is displaceable on the U-bow by a defined length and in a defined direction (Figs. 2-6).

With respect to claim 26, Rattner teaches the urological working place (Fig.7) further comprising an examination table (62) that is independent of the movements of the U-Bow (65), wherein a support plate (71) of the examination table (62) comprises a lateral recess (72) to allow unhindered use of a lithotripter therapy head (10) in conjunction with the U-bow (65) (column 12, lines 1-32).

With respect to claim 31, Rattner teaches that the examination table (62) is vertically adjustable (column 12, lines 11-15).

With respect to claim 32, Rattner teaches that the x-ray source ((4) or (63)) is arranged at an upper end of the U-bow, and wherein the image processing device ((5) or (64) is arranged at a lower end of the U-bow (Figs. 1 and 7; column 6, lines 4-19 and column 12, lines 1-9).

With respect to claim 32, Wilson teaches that the x-ray source (30) is arranged at an upper end of the U-bow (24), and wherein the image processing device (32) is arranged at a lower end of the U-bow (Figs.1-7; [0023]).

Allowable Subject Matter

5. Claims 1-22 are allowed.

6. Claims 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 1-22 prior art fails to teach or make obvious a urological working place comprising an examination table releasable secured to a U-bow and replaceable by an alternate examination table that is independent of the movements of the U-bow as claimed in combination with all elements of claim 1.

With respect to claim 27 prior art fails to teach or make obvious a urological working place comprising a lithotripter having a focus located above a support plate of an examination table, wherein a central beam of the x-ray unit intersects the focus at a vertical starting position of the U-bow in a laterally non-displaced condition of the x-ray unit, and wherein the x-ray unit can be displaced relative to the U-bow until the central beam intersects the focus when the U-bow is in a tilted condition as claimed in combination with all elements the base claim and any intervening claims.

With respect to claim 28 prior art fails to teach or make obvious a urological working place comprising a circularly bent guide segment on a U-bow, for reliably positioning a therapy head of a lithotripter, the therapy head having a center located on a tilting axis of the U-bow, wherein when the U-bow is tilted about the tilting axis, the therapy head can be retained at an original position by a support that is independent of

the movements of the U-bow as claimed in combination with all elements the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments, see pages 10-14, filed August 24, 2005, with respect to claims 1-22 have been fully considered and are persuasive. The rejection of claims 1-22 has been withdrawn.

9. Applicant's arguments with respect to claims 23-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Irakli Kiknadze whose telephone number is 571-272-2493. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on 571-272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Irakli Kiknadze
December 9, 2005


DAVID V. BRUCE
PRIMARY EXAMINER